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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,985	10/19/2006	Hiroshi Yamamoto	SCEP22522	7232
26304	7590	12/26/2007	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				CONNOLLY, MARK A
ART UNIT		PAPER NUMBER		
		2115		
MAIL DATE			DELIVERY MODE	
12/26/2007			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/576,985	YAMAMOTO, HIROSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark Connolly	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 4/21/06.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-13 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 April 2006 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/21/06 &amp; 10/19/06</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. Claims 1-13 have been presented for examination.

### ***Claim Objections***

2. Claims 6 and 10 are objected to because of the following informalities:

Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In particular, claim 6 removes the limitation of adjusting the drawing process load as set forth in claim 1 from which claim 6 depends from.

Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In particular, claim 10 removes the limitation of adjusting the processing load in response to a detected battery level as set forth in claim 9 from which claim 10 depends from.

Appropriate correction is required.

3. Claim 16 is objected to because of the following informalities: In particular, current claim 16 is misnumbered and should be corrected as claim 13. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 and 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by King

PGPUB 20030210271.

6. Referring to claim 1, King teaches the electronic apparatus driven by a battery, comprising:

a. a control unit which performs predetermined processing to execute a program [¶'s 0038-0039].

b. a monitoring unit which detects a remaining level of the battery [¶'s 0036 and 0038].

c. an adjustment unit which adjusts processing load by changing a graphic processing performed in the control unit, in accordance with the remaining level of the battery detected by the monitoring unit [¶'s 0036 and 0038-0039].

7. Referring to claim 2, King teaches the adjustment unit reducing the processing load when the remaining level of the battery detected falls below a predetermined threshold [¶ 0039].

8. Referring to claim 3, King teaches the adjustment unit reducing the load of the drawing processing [¶ 0039].

9. Referring to claim 4, King teaches the adjustment unit lowering the processing load by reducing detail [0043]. Although King teaches the resolution in terms of pixel resolution, this inherently also adjusts spatial detail since spatial detail dependent on pixel resolution. In

particular, an image can not have a spatial resolution of 64 lines per inch if the pixel resolution is reduced to 4 pixels per inch.

10. Referring to claim 8, King teaches the adjustment unit adjusting to accelerate progress of a game when the control unit executes a computer game [¶'s 0044 and 0048].
11. Referring to claim 9, this is rejected on the same basis as set forth hereinabove.
12. Referring to claim 10, King teaches adjusting the processing load of the electronic apparatus by changing the graphic processing in accordance with an executing status of the computer system [¶'s 0029-0030].
13. Referring to claims 11-13, these are rejected on the same basis as set forth hereinabove.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
15. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over King as applied to claims 1-4 and 8-13 above, and further in view of Alben et al US Pat No 6938176.
16. Referring to claim 5, although King teaches lowering a processing load, it is not explicitly taught to reduce the temporal detail drawn in the drawing processing. Alben teaches that a frame rate (i.e. temporal detail) can be reduced in order to reduce power consumption [col. 9 lines 12-24]. It would have been obvious to one of ordinary skill in the art to include the teachings of Alben into the King system because King is directed for controlling image quality in

order to control power consumption in a system and Alben provides further means to adjust the image quality thus providing further means to control power consumption in the system.

17. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over King as applied to claims 1-4 and 8-13 above, and further in view of Martinez Perez et al [Martinez] US Pat No 7076675.

18. Referring to claim 6, although King teaches adjusting graphics processing to reduce power it is not explicitly taught to also adjust audio processing. Martinez teaches adjusting audio processing to reduce power consumption [col. 4 lines 44-56]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teachings of Martinez into the King system because it would provide a means to further reduce power consumption in the King system.

19. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over King as applied to claims 1-4 and 8-13 above.

20. Referring to claim 7, although King teaches reducing a processing load in a system, it is not explicitly taught to inform a user when the adjustment unit reduces the processing load. The examiner is taking official notice that it is well known in the art to notify a user when a system changes to another power mode because it provides a means to enable a user to know the operating status of the system. It would have been obvious to include the same teaching into the King system because it would provide the same benefit of enabling a user to know the operating status of the King system.

***Conclusion***

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (571) 272-3666. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark Connolly  
Examiner  
Art Unit 2115

mc  
December 19, 2007

